

January 07 - 2007

Ms. Susan Paradise Baxter  
U.S. Magistrate  
United States District Court  
Western District / Pennsylvania  
17 South Park Row, Room A280  
Erie - Pennsylvania 16501

Re: Naranjo v Sherman  
05 - 106 Erie

Honorable Magistrate Baxter:

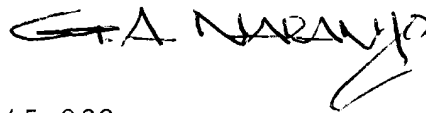
Hope this filing finds you in good health and  
spirits - it was surely a surprise to have heard from  
you.

Enclosed please find:

Plaintiff's ANSWER - To Magistrate Judge's

Report and Recommendation (dated December 06 - 2006)  
and Certificate of Service - 01/07/2007

Thank you . . .



G.A. Naranjo - # 30045 039  
c/o Elkton - F.C.I.  
Scroggs Road  
P.O. Box 10, Lisbon - Ohio 44415

ps. also enclosed are one copy of each to be times stamped,  
stamped / entered / docktd. and returned to me in  
the enclosed envelope.

As of this writing I could NOT stamp the said return  
envelope, hope that will be OK ! Yes??

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

G.A. NARANJO  
Plaintiff

-v-

JAMES SHERMAN, WARDEN  
Defendant

I  
I  
I  
I  
I  
I  
I  
I

Case No. 05 - 106 ERIE  
Judge - McLaughlin  
Magistrate - Baxter

PLAINTIFF'S ANSWER TO  
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

NOW COMES this humble and earnest plaintiff (Mr. Naranjo) and  
who is also captioned above, who respectfully states, deposes:

A) JURISDICTION

Said jurisdiction in these matters is believed in the  
hands of this Honorable Court by reason(s) of:  
local rules of Court, Federal Rules of Court, Federal  
Rules of Criminal Procedure, U.S. Code, etc./etc..

B) PLAINTIFF'S FINANCIAL STATUS

Said financials of this plaintiff has NOT changed from  
his first District Court filing about April 2005.

C) PLAINTIFF'S VOLUNTARY CASE DISCLOSURE, COURT RELATIONS

Plaintiff is in "shock and surprise" this very  
Honorable Court is still filing papers in this case!!  
Plaintiff does NOT understand why the Court would do this  
nor why the Court chose to contact him NOW! Plaintiff  
tried to make inquiry(s) in 2005 to the clerk who was RUDE!  
This Court in effect told Plaintiff to 'go away' . . . in 2005.

(cont)

Based on memory alone, this humble earnest Plaintiff filed a "pro se" ' . . . Motion For Reconsideration. . . ' which was docketed as received back in late 2005. Said timely filing was not disposed of correctly in the mind of this Plaintiff; ensuingly Plaintiff contacted the Court Clerk who basically said "go away. . . if you want further service and or copies, . . . it will cost you (50¢ + a copy). . . your case has been denied." It did not help that Defendant was NOT timely or cooperative sending Plaintiff's Court requested account financials; Plaintiff on many occasions asked for financial accounting(s) and Court form information he sent Defendant about same, but never any Defendant responses. This Plaintiff of his own volition did send copy(s) of his weekly commissary account statements evidencing account balances hoping to satisfy this Court requirement(s) in lieu of Plaintiff's request(s) for "waiver" (filed earlier) of all costs, fees, expenses, procurements, charges, etc., in filing a civil rights complaint!! This pretty much ends Plaintiff's knowledge of events.

D) PLAINTIFF'S ANSWERS - TO MAGISTRATE JUDGE'S REPORT / RECOMMENDATION.

To item 1 (Magistrate's Report. . . ) - Plaintiff says dismissal??

Dismissal to or of what? "Failure to prosecute. . ." says Magistrate, Plaintiff says - NO ! Plaintiff's said ". . . Motion For Reconsideration . . . " was not disposed of correctly and his case was denied prematurely, improperly he respectfully believes . . . This Court turned away this Plaintiff !! However, to the Court's favor (it can be reasonably assumed - IF the Court was trying to make Plaintiff contact and reinstate his improperly dismissed case) should be aware that Plaintiff was discharged from Pennsylvania bureau of prison(s) custody and discharged Plaintiff back to his civilian life in about late November of 2005.

This Plaintiff had NO means to pursue another filing in this Court including any related action upon Defendant as he simply had NO money and was trying to implement a 'back to civilian life' plan . . . Surely, this Court understands??

To item II- Magistrate's paragraph 1 - no rebuttal.  
To paragraph 2 - March 07 - 2006 says the Magistrate, ,  
an ORDER was issued directing Plaintiff to provide . . .  
Marshal . . . service for Defendant (Sherman); this  
Plaintiff received NO ORDER as this case was deemed  
over, finished, dismissed, by prior ORDER of this Court!  
Plaintiff and Defendant knows McKean F.C.I. and Warden  
Sherman in particular knew where to forward mails to  
Plaintiff after his said discharge. Plaintiff received  
NO communications (if in fact there ever was any) after  
said dismissal from this Court. In short, this Plaintiff  
was in contact with the Court Clerk stating that he believed  
"something was wrong"; but the Clerk only wanted to end  
relations with Plaintiff abruptly, among other things,  
and stipulate any service(s) would cost this Plaintiff  
who earlier filed "waiver(s)" hoping to get all costs,  
fees, procurements, expenses, charges, etc./etc., suspended.  
February 02nd - 2006 ORDER of this Court (?) was never  
known or privy to this Plaintiff at any time . . .  
Paragraph 3 - and paragraph 4 of Magistrate's . . .  
Report and Recommendation (dated December 06 - 2006)  
bears NO further comment of this earnest Plaintiff! !  
Plaintiff does not simply know what the Court is talking about.

To item III - Conclusion - This Plaintiff is perplexed how  
his dismissed case can be dismissed once again . . .  
Plaintiff came back to the federal bureau of prisons juris-  
diction, once again - on violation - and on appeal, in  
December 2006. Plaintiff was moved from Pennsylvania to  
his present location at Lisbon - Ohio. Plaintiff sure  
has lots of questions of his own to this District Court !!  
Plaintiff shall file a motion (if applicable) to "STAY"  
pending his new "education" in this District Court's procedure(s).  
Thank you . . . and a good new year !

JANUARY 01-2007  
01 / 07 / 2007

G.A. NARANJO  
G.A. Naranjo, Plaintiff  
# 30045 039  
Elton F.C.I.; Scroggs Road, P.O.Box 10  
Lisbon - Ohio 44415

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

G.A. NARANJO	]		
	]		
Plaintiff	]	Case No.	05 - 106
	]		ERIE
-v	]	Judge:	McLaughlin
	]	Magistrate:	Baxter
JAMES SHERMAN, WARDEN	]		
	]		
Defendant	]		<u>CERTIFICATE OF SERVICE</u>

I, the undersigned below Plaintiff - Mr. G.A. NARANJO  
and who is also captioned above states that service of:

PLAINTIFF'S ANSWERS TO MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION

WAS MADE BY:

inserting said "Answers" pleading above (copy of) in a  
properly addressed and stamped, first class envelope,  
and depositing in a U.S. Mails receptacle at the bureau  
of prison(s) - federal - facility located at,

Elkton F.C.I.  
Scroggs Road  
P.O. Box 10  
Lisbon - Ohio 44415

on done on the date below, by:

01/07/2007  
January 07, 2007

G.A. NARANJO  
G. A. Naranjo - Defendant  
# 30045 039  
Elton F.C.I.  
P.O. Box 10; Lisbon - Ohio 44415